

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the First Amended  
Accusation Against:**

**Bikash Devaraj, M.D.**

**Physician's and Surgeon's  
Certificate No. A 102083**

**Case No.: 800-2019-061331**

**Respondent.**

**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby  
adopted as the Decision and Order of the Medical Board of California, Department  
of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on March 16, 2023.**

**IT IS SO ORDERED: February 14, 2023.**

**MEDICAL BOARD OF CALIFORNIA**



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**Laurie Rose Lubiano, J.D., Chair  
Panel A**

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 LATRICE R. HEMPHILL  
Deputy Attorney General  
4 State Bar No. 285973  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation  
Against:

13 **BIKASH DEVARAJ, M.D.**  
14 **578 Bonita Avenue**  
15 **San Marino, CA 91108-1338**

16 **Physician's and Surgeon's Certificate No. A**  
17 **102083,**

18 Respondent.

Case No. 800-2019-061331

OAH No. 2021080403

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of  
24 California (Board). He brought this action solely in his official capacity and is represented in this  
25 matter by Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill, Deputy  
26 Attorney General.

27 2. Respondent Bikash Devaraj, M.D. (Respondent) is represented in this proceeding by  
28 attorney Raymond J. McMahon, whose address is: 5440 Trabuco Road, Irvine, CA 92620.

3. On or about November 16, 2007, the Board issued Physician's and Surgeon's Certificate No. A 102083 to Bikash Devaraj, M.D. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2019-061331, and will expire on March 21, 2023, unless renewed.

## JURISDICTION

4. First Amended Accusation No. 800-2019-061331 was filed before the Board, and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on March 3, 2022. Respondent timely filed his Notice of Defense contesting the First Amended Accusation.

5. A copy of First Amended Accusation No. 800-2019-061331 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 800-2019-061331. Respondent has also carefully read, fully discussed with his counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in First Amended  
3 Accusation No. 800-2019-061331, if proven at a hearing, constitute cause for imposing discipline  
4 upon his Physician's and Surgeon's Certificate.

5 10. Respondent does not contest that, at an administrative hearing, complainant could  
6 establish a prima facie case with respect to the charges and allegations in First Amended  
7 Accusation No. 800-2019-061331, a true and correct copy of which is attached hereto as Exhibit  
8 A, and that he has thereby subjected his Physician's and Surgeon's Certificate, No. A 102083 to  
9 disciplinary action.

10 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
11 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
12 Disciplinary Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Medical Board of California.  
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
16 Board of California may communicate directly with the Board regarding this stipulation and  
17 settlement, without notice to or participation by Respondent or his counsel. By signing the  
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
22 action between the parties, and the Board shall not be disqualified from further action by having  
23 considered this matter.

24 13. Respondent agrees that if he ever petitions for early termination or modification of  
25 probation, or if an accusation and/or petition to revoke probation is filed against him before the  
26 Board, all of the charges and allegations contained in First Amended Accusation No. 800-2019-  
27 061331 shall be deemed true, correct and fully admitted by respondent for purposes of any such  
28 proceeding or any other licensing proceeding involving Respondent in the State of California.



1 Medical Education (CME) requirements for renewal of licensure.

2 A medical record keeping course taken after the acts that gave rise to the charges in the  
3 First Amended Accusation, but prior to the effective date of the Decision may, in the sole  
4 discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the  
5 course would have been approved by the Board or its designee had the course been taken after the  
6 effective date of this Decision.

7 Respondent shall submit a certification of successful completion to the Board or its  
8 designee not later than 15 calendar days after successfully completing the course, or not later than  
9 15 calendar days after the effective date of the Decision, whichever is later.

10 3. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
11 Respondent shall provide a true copy of this Decision and First Amended Accusation to the Chief  
12 of Staff or the Chief Executive Officer at every hospital where privileges or membership are  
13 extended to Respondent, at any other facility where Respondent engages in the practice of  
14 medicine, including all physician and locum tenens registries or other similar agencies, and to the  
15 Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage  
16 to Respondent. Respondent shall submit proof of compliance to the Board or its designee within  
17 15 calendar days.

18 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

19 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
20 governing the practice of medicine in California and remain in full compliance with any court  
21 ordered criminal probation, payments, and other orders.

22 5. INVESTIGATION/ENFORCEMENT COST RECOVERY. Respondent is hereby  
23 ordered to reimburse the Board its costs of investigation and enforcement, in the amount of  
24 \$9,657.00 (nine thousand six hundred fifty-seven dollars). Costs shall be payable to the Medical  
25 Board of California. Failure to pay such costs shall be considered a violation of probation.

26 Payment must be made in full within 30 calendar days of the effective date of the Order, or  
27 by a payment plan approved by the Medical Board of California. Any and all requests for a  
28 payment plan shall be submitted in writing by Respondent to the Board. Failure to comply with

1 the payment plan shall be considered a violation of probation.

2 The filing of bankruptcy by Respondent shall not relieve Respondent of the responsibility  
3 to repay investigation and enforcement costs.

4 6. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
5 under penalty of perjury on forms provided by the Board, stating whether there has been  
6 compliance with all the conditions of probation.

7 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
8 of the preceding quarter.

9 7. GENERAL PROBATION REQUIREMENTS.

10 Compliance with Probation Unit

11 Respondent shall comply with the Board's probation unit.

12 Address Changes

13 Respondent shall, at all times, keep the Board informed of Respondent's business and  
14 residence addresses, email address (if available), and telephone number. Changes of such  
15 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
16 circumstances shall a post office box serve as an address of record, except as allowed by Business  
17 and Professions Code section 2021, subdivision (b).

18 Place of Practice

19 Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
20 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
21 facility.

22 License Renewal

23 Respondent shall maintain a current and renewed California physician's and surgeon's  
24 license.

25 Travel or Residence Outside California

26 Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
27 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
28 (30) calendar days.

1 In the event Respondent should leave the State of California to reside or to practice  
2 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
3 departure and return.

4 8. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
5 available in person upon request for interviews either at Respondent's place of business or at the  
6 probation unit office, with or without prior notice throughout the term of probation.

7 9. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
8 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
9 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
10 defined as any period of time Respondent is not practicing medicine as defined in Business and  
11 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
12 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
13 Respondent resides in California and is considered to be in non-practice, Respondent shall  
14 comply with all terms and conditions of probation. All time spent in an intensive training  
15 program which has been approved by the Board or its designee shall not be considered non-  
16 practice and does not relieve Respondent from complying with all the terms and conditions of  
17 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
18 on probation with the medical licensing authority of that state or jurisdiction shall not be  
19 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
20 period of non-practice.

21 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
22 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
23 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
24 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model  
25 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.

27 Periods of non-practice will not apply to the reduction of the probationary term.

28 Periods of non-practice for a Respondent residing outside of California will relieve



1 Respondent of the responsibility to comply with the probationary terms and conditions with the  
2 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
3 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
4 Controlled Substances; and Biological Fluid Testing.

5 10. COMPLETION OF PROBATION. Respondent shall comply with all financial  
6 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
7 completion of probation. This term does not include cost recovery, which is due within 30  
8 calendar days of the effective date of the Order, or by a payment plan approved by the Medical  
9 Board and timely satisfied. Upon successful completion of probation, Respondent's certificate  
10 shall be fully restored.

11 11. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
12 of probation is a violation of probation. If Respondent violates probation in any respect, the  
13 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
14 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke  
15 Probation, or an Interim Suspension Order is filed against Respondent during probation, the  
16 Board shall have continuing jurisdiction until the matter is final, and the period of probation shall  
17 be extended until the matter is final.

18 12. LICENSE SURRENDER. Following the effective date of this Decision, if  
19 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
20 the terms and conditions of probation, Respondent may request to surrender his or her license.  
21 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
22 determining whether or not to grant the request, or to take any other action deemed appropriate  
23 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
24 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
25 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
26 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
27 application shall be treated as a petition for reinstatement of a revoked certificate.

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14. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2019-061331 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict license.

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

11/8/2022

BIKASH DEVARAJ, M.D.  
Respondent

I have read and fully discussed with Respondent Bikash Devaraj, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

November 9, 2022

RAYMOND J. MCMAHON  
*Attorney for Respondent*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: November 10, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
JUDITH T. ALVARADO  
Supervising Deputy Attorney General



LATRICE R. HEMPHILL  
Deputy Attorney General  
*Attorneys for Complainant*

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1 ROB BONTA  
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12 In the Matter of the First Amended Accusation  
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Case No. 800-2019-061331

13 **BIKASH DEVARAJ, M.D.**  
14 **578 Bonita Avenue**  
15 **San Marino, CA 91108-1338**

**FIRST AMENDED ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 102083,**

Respondent.

18  
19  
20 **PARTIES**

21 1. William Prasifka (Complainant) brings this First Amended Accusation solely in his  
22 official capacity as the Executive Director of the Medical Board of California, Department of  
23 Consumer Affairs (Board).

24 2. On or about November 16, 2007, the Board issued Physician's and Surgeon's  
25 Certificate Number A 102083 to Bikash Devaraj, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on March 31, 2023, unless renewed.

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## JURISDICTION

3. This First Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

5. Section 2234 of the Code, states:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically

1 appropriate for that negligent diagnosis of the patient shall constitute a single  
2 negligent act.

3 (2) When the standard of care requires a change in the diagnosis, act, or  
4 omission that constitutes the negligent act described in paragraph (1), including, but  
5 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
6 licensee's conduct departs from the applicable standard of care, each departure  
7 constitutes a separate and distinct breach of the standard of care.

8 (d) Incompetence.

9 (e) The commission of any act involving dishonesty or corruption that is  
10 substantially related to the qualifications, functions, or duties of a physician and  
11 surgeon.

12 (f) Any action or conduct that would have warranted the denial of a certificate.

13 (g) The failure by a certificate holder, in the absence of good cause, to attend  
14 and participate in an interview by the board. This subdivision shall only apply to a  
15 certificate holder who is the subject of an investigation by the board.

#### 16 COST RECOVERY

17 6. Section 125.3 of the Code states:

18 (a) Except as otherwise provided by law, in any order issued in resolution of a  
19 disciplinary proceeding before any board within the department or before the  
20 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the  
21 administrative law judge may direct a licensee found to have committed a violation or  
22 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
23 investigation and enforcement of the case.

24 (b) In the case of a disciplined licensee that is a corporation or a partnership, the  
25 order may be made against the licensed corporate entity or licensed partnership.

26 (c) A certified copy of the actual costs, or a good faith estimate of costs where  
27 actual costs are not available, signed by the entity bringing the proceeding or its  
28 designated representative shall be prima facie evidence of reasonable costs of  
investigation and prosecution of the case. The costs shall include the amount of  
investigative and enforcement costs up to the date of the hearing, including, but not  
limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount  
of reasonable costs of investigation and prosecution of the case when requested  
pursuant to subdivision (a). The finding of the administrative law judge with regard  
to costs shall not be reviewable by the board to increase the cost award. The board  
may reduce or eliminate the cost award, or remand to the administrative law judge if  
the proposed decision fails to make a finding on costs requested pursuant to  
subdivision (a).

(e) If an order for recovery of costs is made and timely payment is not made as  
directed in the board's decision, the board may enforce the order for repayment in any  
appropriate court. This right of enforcement shall be in addition to any other rights  
the board may have as to any licensee to pay costs.

(f) In any action for recovery of costs, proof of the board's decision shall be

conclusive proof of the validity of the order of payment and the terms for payment.

(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one-year period for the unpaid costs.

(h) All costs recovered under this section shall be considered a reimbursement for costs incurred and shall be deposited in the fund of the board recovering the costs to be available upon appropriation by the Legislature.

(i) Nothing in this section shall preclude a board from including the recovery of the costs of investigation and enforcement of a case in any stipulated settlement.

(j) This section does not apply to any board if a specific statutory provision in that board's licensing act provides for recovery of costs in an administrative disciplinary proceeding.

(k) Notwithstanding the provisions of this section, the Medical Board of California shall not request nor obtain from a physician and surgeon, investigation and prosecution costs for a disciplinary proceeding against the licensee. The board shall ensure that this subdivision is revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from this subdivision is offset by an increase in the amount of the initial license fee and the biennial renewal fee, as provided in subdivision (e) of Section 2435.

#### FACTUAL ALLEGATIONS

7. In December 2016, Respondent worked as a trained surgeon and practitioner at Burbank Occupational Health Center, located at 3413 West Pacific Avenue, Suite #102, Burbank, California 91505.

8. On or about December 19, 2016, Patient A,<sup>1</sup> a seventy-three (73) year-old man, first presented to Respondent with a left ankle injury he sustained while at work on December 14, 2016.

9. During the initial visit, Patient A indicated that he rolled his left ankle, which led to bruising and swelling. He also complained of pain over his left calf region but there was no significant bruising or swelling to that area. Patient A noted that, while he was able to bear

<sup>1</sup> The patient is identified as "Patient A" in this First Amended Accusation to protect his privacy.

1 weight on the ankle, he could not walk more than 15-20 minutes before needing to sit down due  
2 to the pain.

3 10. Respondent ordered an x-ray of the left ankle and conducted a physical examination  
4 of Patient A. Based on the examination, Respondent diagnosed Patient A with having a left ankle  
5 sprain.

6 11. Respondent prescribed Patient A ibuprofen and he was instructed to wear an  
7 Equalizer Walker Boot on the left foot. Respondent also indicated that Patient A was unable to  
8 return to work due to his inability to walk any distance. Respondent set a follow-up appointment  
9 for December 22, 2016.

10 12. On or about December 22, 2016, Patient A presented to Respondent complaining that  
11 his pain had not improved and his left ankle was still bruised and swollen. Respondent gave  
12 Patient A the x-ray results, which were negative for an ankle fracture. Respondent also  
13 completed a physical examination and found moderate swelling and moderate tenderness.  
14 Respondent noted Patient A's limping on the left side and Respondent reiterated his diagnosis of  
15 left ankle sprain. He indicated that Patient A should remain out of work due to his inability to  
16 stand for more than 20 minutes at a time. A follow-up appointment was set.

17 13. On or about December 29, 2016, Patient A again presented to Respondent. Patient A  
18 complained of worsening pain and swelling of his left ankle. He stated that he was still unable to  
19 stand or walk for more than 20 minutes at a time. Consequently, Respondent requested  
20 authorization for Magnetic Resonance Imaging (MRI) of the left ankle. Respondent also  
21 conducted another physical examination and again diagnosed Patient A with having a left ankle  
22 sprain. Respondent noted that Patient A was still unable to return to work due to his inability to  
23 stand more than 20 minutes. Respondent set a follow-up appointment for January 12, 2017.

24 14. On or about January 3, 2017, Respondent received authorization for an MRI. Patient  
25 A was informed and an appointment for the MRI was scheduled.

26 15. On or about January 10, 2017, Patient A underwent an MRI.

27 16. On or about January 12, 2017, Patient A presented to Respondent to receive the MRI  
28 results. According to Patient A's medical records, the MRI demonstrated a full-thickness tear of



1 the Achilles tendon, also known as an Achilles tendon rupture. Respondent requested  
2 authorization to refer Patient A to an orthopedic specialist for definitive care.

3 17. On or about January 19, 2017, Respondent received authorization for transfer of  
4 Patient A's care to an orthopedic specialist. Respondent indicated that Patient A would hand  
5 carry his MRI and x-ray results to the appointment with the specialist. Respondent canceled  
6 Patient A's follow-up appointment with Respondent's office, Burbank Occupational Health  
7 Center.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Gross Negligence)**

10 18. Respondent Bikash Devaraj, M.D. is subject to disciplinary action under Code section  
11 2234, subdivision (b), in that his care and treatment of Patient A constituted gross negligence.  
12 Complainant refers to and, by this reference, incorporates herein, paragraphs 7 through 17, above,  
13 as though fully set forth herein. The circumstances are as follows:

14 19. The standard of care when diagnosing an Achilles tendon rupture requires the  
15 practitioner to conduct a Thompson test<sup>2</sup> to determine the proper diagnosis. If the diagnosis is  
16 questionable after performing the Thompson test, an ultrasound or MRI should be ordered to  
17 confirm the diagnosis.

18 20. Respondent's initial assessment of Patient A included an x-ray but, according to the  
19 medical records, no Thompson test was done, which could have led to an early diagnosis. An  
20 MRI was not ordered until December 29, 2016, ten days after Patient A first presented to  
21 Respondent, despite Patient A initially complaining of a difficulty to bear weight.

22 21. Respondent's failure to complete the Thompson test and his delays in ordering an  
23 MRI and diagnosing the Achilles tendon rupture constitutes an extreme departure.

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27 <sup>2</sup> Thompson test, also known as the Simmonds' test, examines the integrity of the Achilles  
28 tendon by squeezing the calf. It is performed as a clinical test to identify the presence of a  
complete Achilles rupture.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Repeated Negligent Acts)**

3 22. Respondent is subject to disciplinary action under section 2234, subdivision (c), of  
4 the Code, in that he engaged in repeated acts of negligence in the care and treatment of Patient A.  
5 The allegations of the First Cause for Discipline in paragraphs 18 through 21, above, are  
6 incorporated herein by reference as if fully set forth.

7 23. Respondent was further negligent in the care and treatment of Patient A. The  
8 circumstances are as follows:

9 24. The standard of care for treatment of an Achilles tendon rupture requires a  
10 practitioner to refer a patient to an Orthopedic surgeon, for evaluation, within one to two days of  
11 the injury. If there is a delay in referral, the case should be discussed with an Orthopedic surgeon  
12 before the referral. The standard of care also requires immobilization, supportive measures, and  
13 anti-inflammatories.

14 25. Though Respondent's treatment plan included immobilization measures and anti-  
15 inflammatories, his delayed diagnosis led to a delay in his referral to a specialist, which should  
16 have been deemed urgent. As such, Respondent's delay in referring Patient A to an orthopedist  
17 for further treatment constitutes a simple departure.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 26. Respondent is subject to disciplinary action under Code section 2234, subdivision (a),  
21 in that Respondent engaged in unprofessional conduct. The circumstances are as follows:

22 27. The allegations of the First and Second Causes for Discipline, in paragraphs 18  
23 through 25, above, are incorporated herein by reference as if fully set forth.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Medical Board of California issue a decision:


4 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 102083,  
5 issued to Respondent Bikash Devaraj, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Bikash Devaraj, M.D.'s  
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Bikash Devaraj, M.D., to pay the Board costs of the  
9 investigation and enforcement of this case, and if placed on probation, the costs of probation  
10 monitoring; and

11 4. Taking such other and further action as deemed necessary and proper.

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14 DATED: MAR. 03 2022

  
WILLIAM PRASITKA  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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